

**MINUTES OF THE  
MENDHAM BOROUGH JOINT LAND USE BOARD  
REGULAR MEETING  
Tuesday, November 21, 2023 - 7:30PM  
Garabrant Center, 4 Wilson Street, Mendham, NJ.**

**CALL TO ORDER/FLAG SALUTE**

The regular meeting of the Mendham Borough Joint Land Use Board was called to order at 7:30 p.m. and the open public meeting statement was read into the record.

**ROLL CALL**

|                             |                                    |
|-----------------------------|------------------------------------|
| Mayor Glassner – Present    | Mr. Egerter – Present              |
| Ms. Bushman – Absent        | Ms. Garbacz – Absent               |
| Councilman Andrew – Present | Mr. Molnar – Alternate 1 - Present |
| Mr. Ritger – Present        | Mr. Kay- Alternate 2- Present      |
| Mr. Smith – Present         | Mr. Barker – Alternate 3 - Absent  |
| Mr. Sprandel – Absent       | Mr. Pace – Alternate 4 – Present   |
| Mr. D’Urso– Present         |                                    |

Also Present: Mr. Ferriero – Board Engineer  
Mr. Germinario – Board Attorney

**APPROVAL OF MINUTES**

Motion by Mr. Smith, seconded by Mr. Molnar and unanimously carried by voice vote to adopt the minutes of the October 17, 2023 Joint Land Use Board Regular Meeting, as written.

**Roll Call:**

**In Favor:** Mr. Ritger, Mr. Smith, Mr. D’Urso, Mr. Egerter, Mr. Molnar, and Mr. Pace.

**Opposed:**

**Abstain:** Mayor Glassner, Councilman Andrew, and Mr. Kay

**Motion Carried**

**PUBLIC COMMENT**

Chairman Ritger opened the meeting to the public for questions and comments on items not included on the agenda or any pending applications.

There being none, the public session was closed.

**RESOLUTION**

JLUB #13-22  
15 W. Main, LLC  
15 W. Main St  
Block 301 Lot 39

Mr. Germinario summarized the 15 W. Main, LLC application, and the conditions outlined in the resolution. Mr. Egerter made a motion to memorialize the resolution and Mr. D’Urso seconded.

**Roll Call:**

**In Favor:** Mr. Ritger, Mr. Smith, Mr. D’Urso, and Mr. Egerter.

**Opposed:**

**Abstain:** Mayor Glassner, Councilman Andrew, Mr. Molnar, Mr. Kay, and Mr. Pace.

**Motion Carried**  
**The resolution follows.**

**BOROUGH OF MENDHAM JOINT LAND USE BOARD**

**RESOLUTION OF MEMORIALIZATION**

**Decided: October 17, 2023**

**Memorialized: November 21, 2023**

**IN THE MATTER OF 15 WEST MAIN LLC  
PRELIMINARY AND FINAL MAJOR SITE PLAN,  
"D(5)" & "C" VARIANCE APPLICATION  
BLOCK 0301, LOT 39  
APPLICATION NO. JLUB #13-22**

**WHEREAS**, 15 West Main LLC (hereinafter the "Applicant") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for the grant of variances pursuant to N.J.S.A. 40:35D-70d(5) and 40:55D-70c (hereinafter the "Variance Relief") by application dated 5/9/22; and

**WHEREAS**, the application was deemed complete by the Board, and a public hearing was held on 10/17/23; and

**WHEREAS**, the Board has determined that the Applicant has complied with all land use procedural requirements of Chapter 124 of the Ordinance of the Borough of Mendham, and has complied with the procedural requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., including without limitation, public notice pursuant to N.J.S.A. 40:55D-12; and

**WHEREAS**, the Board makes the following findings and conclusions, based on the documents, testimony and other evidence comprising the hearing record:

1. The subject property is located at Block 301, Lot 39 fronting Main Street (County Road 510) with a parcel size of 0.80809 acres or approximately 35,200 square feet. It is in the HB, Historic Business Zone in the Historic Overlay Zone and is currently developed with two (2) buildings. The front building on the property contains two (2) apartments and three (3) businesses. The rear building on the property contains three (3) townhouses.

The existing uses received approval from the Zoning Board of Adjustment decided on 2/2/16 and memorialized on 3/1/16. The Applicant received: preliminary and final site plan approval with a d(5) density variance to permit five (5) units where two (2) units are permitted; a d(3) conditional use variance to permit three (3) townhouses that did not comply with area and yard requirements for townhouses; an impervious coverage variance of 66.8% where 65% is permitted; a side yard setback of less than a foot on the east side of the existing building where 10 feet was required; a parking variance to permit 29 parking spaces where 34 spaces were required; and a variance to permit an eight (8) foot high fence around the dumpster where six (6) feet is permitted.

The site is situated in the historic downtown area of Mendham Borough and is immediately surrounded by commercial/mixed-use buildings facing West Main Street (County Road 24). Outside of the immediately adjacent area, to the north (rear) and west of the site are primarily single-family residential neighborhoods.

2. The Applicant is proposing to add two (2) additional two-bedroom apartments on the third floor of the existing historic building where the floor is currently vacant attic space. No exterior improvements are proposed to either the front or rear buildings, other than the EV charging stations.

A variance pursuant to N.J.S.A. 40:55D-70d(5) (the "D(5)" Variance) is required because, according to Chapter 490, Attachment 1, the maximum number of Families/Residential Units per lot in the Historic Business zone is two (2) and the Applicant is proposing seven (7) Families/Residential Units. A variance pursuant to N.J.S.A. 40:55D-70c (the "C" Variance) is required because, according to §215-67, Parking Standards, the minimum number of parking spaces required is 38 spaces where 29 spaces are proposed. As part of the March 2016 Board of Adjustment approval, variance relief was granted for 29 spaces where 34 spaces were required. Because Applicant will install two electric vehicle (EV) charging stalls, it will receive credit for two additional parking stalls, so that the "C" Variance is for 31 spaces where 38 are required.

3. The Applicant has submitted the following documents that depict and/or describe the improvements for which the Variance relief is required:

- Three (3) sheets of Architectural Floor Plans prepared by Charles A. Maillet, dated 9/22/23 (Sheets 1 & 2) and 6/15/19 (Sheet 3)
- Three (3) sheets of engineering plans entitled, "15 West Main LLC Property, Preliminary and Final Site Plans, Lot 39, Block 0301, Borough of Mendham, Morris County, New Jersey," dated 12/27/21 and revised through 2/1/23
- 3-Story Building Sprinkler Plans, prepared by Fire Sprinkler Design, LLC, consisting of three (3) sheets, dated 2/27/23

4. In support of the application, the Applicant has submitted the following documents, which are part of the hearing record:

- Cover letter, dated 7/25/23, prepared by Craig Gianetti, Esq.
- Land Development Application, dated 5/9/22, prepared by Deborah P. Hanson
- Application Rider
- Site Inspection Form
- Ownership Disclosure Statement
- Checklist
- Property Owners List
- Sewer Connection Approval, dated 8/23/21
- Board of Adjustment Resolution, memorialized 3/1/16
- Property Deed
- Certificate of Paid Taxes, dated 1/17/22
- Cover Letter, dated 3/24/23, prepared by Anthony J. Sposaro, Esq.
- Certificate of paid taxes
- Morris County Planning Board Approval, dated 4/20/23
- Fire protection calculations
- Site photo

5. The Board's planning and engineering professionals and/or consultants have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Jessica Caldwell-Dykstra, PP, AICP, dated 10/9/23

Paul Ferriero, PE, CME, dated 10/14/23

6. In the course of the public hearings, the following exhibits were marked and are part of the hearing record:

A-1 Photos of 3-Story Building Elevations  
A-2 Aerial Site Photos, Before & After Improvements

7. In the course of the public hearings, the Applicant was represented by Craig Gianetti, Esq., and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Alexander Imperatore, Hampshire Co.  
Senior Real Estate Manager

Charles Maillet, AIA, Architect

Gary Dean, PE, PTOE, Traffic Engineer

Frank Banisch, PP, Professional Planner

8. The documentary evidence and the testimony of the Applicant and/or Applicant's witnesses adduced the following facts:

Mr. Imperatore testified that there were no parking issues currently on the site, and he opined that the existing parking of 21 stalls would accommodate the proposed two additional attic apartments. He stated that one of the new apartments would be restricted as a moderate income affordable unit, and that two EV charging stalls would be provided in the parking area at a location to be approved by the Board Engineer. Mr. Maillet testified that the historic building would be provided with fire suppression sprinklers per the submitted plans. Mr. Dean's testimony indicated that shared parking between the residential and commercial units would be effective in limiting the demand for stalls so as to justify the "C" Variance relief. Mr. Banisch's testimony set forth the positive and negative criteria supporting the "D(5)" Variance. He stated that the MLUL purposes were advanced by the affordable rental unit, the EV charging station, the utilization of empty attic space, and the support for local businesses from residences within walking-distance.

9. Based on the hearing record, the Board has made the following findings and conclusions relative to the Variance relief sought by the Applicant:

Based on the testimony of Frank Banisch, the Board finds that the "D(5)" Variance for the two additional residential units is justified in terms of satisfying the positive and negative criteria. Based on Gary Dean's testimony, the Board finds that the "C" Variance for parking is also justified, because the existing parking will accommodate the increased demand.

The Board further finds that this relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

10. In summary, the Board hereby grants a total of one D(5) and one "C" variances in connection with this application.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby approve the application and grant the Variance Relief requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 40:55D-70c and 40:55D-70d(5).

This approval is subject to the following conditions, which shall, unless otherwise stated, be satisfied prior to the issuance of a zoning permit for the improvements requiring Variance relief.

1. One of the two new apartments will be restricted as a moderate income affordable unit through filings approved by the Borough Attorney.

2. An EV charging station serving two adjacent parking stalls will be installed at a location to be approved by the Board Engineer. Other than an LCD display, the EV station will have no lighting or advertising.

3. The historic building will be provided with a fire suppression sprinkler system consistent with submitted plans and to be approved by the Borough.

4. All application, escrow and inspection fees shall be paid in full and current at the time of issuance of zoning permits and construction permits. Engineering inspection fees will be paid out of the Applicant's escrow account, and the Applicant will replenish said account to the extent required to pay for said inspection fees.

5. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

6. This approval is subject to the payment in full of all taxes and assessments due and owing to the Borough of Mendham and/or any agency thereof.

7. Pursuant to Ordinance Section 124-22, the Variance relief granted herein shall expire within one year of the memorialization of this Resolution unless the construction or alteration of the improvements requiring Variance relief has actually been commenced during that time period, provided that the running of the one-year time period shall be tolled during the pending of any appeal of the Board's decision to the Borough Council or to a court of competent jurisdiction.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Joint Land Use Board memorializing the action taken by the Board at its meeting of 10/17/23.

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Lisa Smith  
Board Secretary

## COMPLETENESS

Accordia  
350 Bernardsville Rd.  
Block 2301 Lot 13  
Applicant withdrew the application without prejudice due to lack of prosecution.

JLUB #05-23  
William Pyznar  
8 Bliss Rd

Block 2501 Lot 5.04

Mr. Pyznar was sworn in.

Mr. Ferriero summarized the completeness review letter dated July 12, 2023 where it was noted that there were a number of waivers requested in the application. Mr. Ferriero explained that checklist item #52 is no longer necessary and can be waived because the fence portion of the application has been removed. Mr. Ferriero stated that subject to the waivers, the application can be deemed complete.

Motion by Mr. Molnar, seconded by Mr. Egerter and unanimously carried to deem the application complete.

**Roll Call:**

**In Favor:** Mayor Glassner, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. D'Urso, Mr. Egerter, Mr. Molnar, Mr. Kay, and Mr. Pace.

**Opposed:**

**Abstain:**

**Motion Carried**

JLUB #12-23  
McTighe-Vega  
2 Oak Forest Ln  
Block 2401 Lot 31

Mr. Ferriero summarized the completeness review letter dated November 8, 2023 where it was noted that there were a number of waivers requested in the application. Mr. Ferriero stated that subject to the waivers the application can be deemed complete.

Motion by Mr. Egerter, seconded by Mr. D'Urso and unanimously carried to deem the application complete.

**Roll Call:**

**In Favor:** Mayor Glassner, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. D'Urso, Mr. Egerter, Mr. Molnar, Mr. Kay, and Mr. Pace.

**Opposed:**

**Abstain:**

**Motion Carried**

**HEARING**

JLUB #05-23  
William Pyznar  
8 Bliss Rd  
Block 2501 Lot 5.04  
Present: Mr. Pyznar – Applicant

Mr. Germinario reviewed the public notice and found it to be adequate to proceed.

Mr. Pyznar summarized the application to install a 6' gate on his driveway. Mr. Pyznar explained that he would like to install for security reasons. Mr. Pyznar explained that there are existing pillars on Bliss Rd that are right on the road and would be dangerous to pull in and out of the driveway. Mr. Pyznar noted that he would be installing the new pillars 100' up the driveway where it is wide enough for delivery trucks etc. to safely turn around without having to back out on Bliss Rd.

Mr. Ritger asked if the pictures submitted were neighboring properties. Mr. Pyznar stated that they were and that it seems the height of gate has been approved previously. Mr. Ritger noted that the deer fencing portion of the application has been removed and Mr. Pyznar stated that he did remove that portion of the application. Mr. D'Urso noted that according to the plans, the gate is 72" to the top of the pickets and the ball is higher. Mr. Ritger noted that if this is a standard gate, modification to the 6' may not be an option. Mr. Ritger suggested that the Board should act on the gate being 5-6" taller than 6'. Mr. Ferriero suggested approving consistent with this detail with a maximum height of 6'6". Mr. Ritger asked what the color of the gate will be. Mr. Pyznar stated that it will be black. Mr. Ritger asked if there is lighting as part of the application. Mr. Pyznar stated that there will be low voltage landscape lighting installed.

Chairman Ritger opened the meeting to the public for questions and comments. There being none, Mr. Ritger closed public comment.

Mr. Kay made a motion to approve the application with conditions as outlined in the Resolution and was seconded by Mr. Smith.

**Roll Call:**

**In Favor:** Mayor Glassner, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. D'Urso, Mr. Egerter, Mr. Molnar, Mr. Kay, and Mr. Pace.

**Opposed:**

**Abstain:**

**Motion Carried**

Mr. Ferriero suggested the approval be effective immediately. Mr. Ritger asked the Board if there were any issues with not making Mr. Pyznar wait until the memorialization of the resolution. The Board had no objections.

JLUB #12-23  
McTighe-Vega  
2 Oak Forest Ln  
Block 2401 Lot 31

Present: Mr. Benedetti, Applicant's Attorney  
Mr. Dorne, Architect and Construction Manager

Mr. Germinario reviewed the public notice and found it to be adequate to proceed.

Mr. Benedetti explained that the owners are doing a complete restoration of the property and part of this restoration includes relocating the existing driveway. Mr. Benedetti explained that the application is to construct entry piers and wall, which will require a C variance.

Mr. Dorne was sworn in and qualified as an expert in his field.

Mr. Dorne explained that the moving the driveway approximately 75' was so that the driveway would go through trees and up a hill instead of straight to the front of the house. Mr. Dorne stated that the applicants asked that the square piers be redesigned and no gate would be installed. Mr. Dorne explained that on page 3, of the set submitted, that the topography in the area is severe and that the highest point is the pier which is 8'4-1/2" to the top of the ball. Mr. Ritger asked if the existing piers were being incorporated into the new design. Mr. Dorne stated that the existing piers will be torn down and the existing driveway will be removed and seeded. Mr. Dorne stated that the new pier will be made of brick and milled stone and will have sconces with low level lighting.

Mr. Germinario asked if the highest point was 8' 4-1/2". Mr. Dorne stated that was correct.

Mr. D'Urso asked where the proposed is in relation to the existing. Mr. Dorne explained that this is shown on

page 2 of 4 of the submitted grading plan and the existing driveway is being used for construction and then will be removed.

Mr. Ritger asked for clarification on where the proposed driveway will be located because it looks like it is off the property and in the right of way. Mr. Ferriero explained that this was addressed in his letter.

Mr. Ritger asked if the lighting would be gas or electric. Mr. Dorne stated that it would be low watt electric.

Mr. Kay asked if the proposed driveway would be steep. Mr. Dorne explained that the proposed is less steep and had the Fire Department out and they were ok with the proposed.

Mr. D'Urso asked if the driveway was going to be moved out of the private road right of way and Mr. Dorne stated that if the proposed were to be moved, a number of Oak trees would need to be taken down. Mr. Dorne submitted a picture showing the exiting trees in the area of the proposed pillars and marked it as Exhibit A-1.

Mr. D'Urso stated that from what he sees in the picture, the piers and driveway could be moved back 10'. Mr. Dorne explained that moving the driveway back would disturb the drip line of the trees and noted that the fire chief had come out and had no issue with the proposed plans. Mr. Ferriero explained that if the proposed was in the municipal right of way, the Mayor and Council would need to authorize it. Mr. Ferriero asked Mr.

Germinario who would authorize the use of the right of way on a private road. Mr. Germinario stated that the property owner would authorize the use and since the area of the private road that this application is affecting is owned by the applicant, they have legal title as long as they don't obstruct the road for the other people on the private road. Mr. Dorne noted that the other residents on the road have similar piers at the same distance from the road. Mr. Ritger asked if there was going to be a gate. Mr. Dorne stated that there will is no plan for a gate. Mr. Molar asked if there was a pull off and Mr. Dorne stated that there was.

Chairman Ritger opened the meeting to the public for questions and comments.

There being none, Mr. Ritger closed public comment.

Mr. Molnar made a motion to approve the application with conditions as outlined in the Resolution and was seconded by Mr. Egerter.

**Roll Call:**

**In Favor:** Mayor Glassner, Councilman Andrew, Mr. Ritger, Mr. Smith, Mr. D'Urso, Mr. Egerter, Mr. Molnar, Mr. Kay, and Mr. Pace.

**Opposed:**

**Abstain:**

**Motion Carried**

Mr. Ferriero suggested the approval be effective immediately. Mr. Ritger asked the Board if there were any issues with not making the applicants wait until the memorialization of the resolution. The Board had no objections.

**ADJOURNMENT**

There being no additional business to come before the Board, Motion was made by Mr. Smith, and seconded by Mr. Kay. On a voice vote, all were in favor. Chairman Ritger adjourned the meeting at 8:40PM.

The next scheduled regular meeting of the Joint Land Use Board is Tuesday, December 19, 2023 at 7:30PM in the Garabrant Center, 4 Wilson St. , Mendham, NJ.

Respectfully submitted,

*Lisa J. Smith*

Lisa Smith

Land Use Coordinator